



ACQUISITION,  
TECHNOLOGY  
AND LOGISTICS

OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON  
WASHINGTON, DC 20301-3000

April 11, 2002

DP/EB

MEMORANDUM FOR DIRECTOR, DEFENSE ACQUISITION REGULATIONS  
COUNCIL (ATTENTION: MS. SUSAN L. SCHNEIDER)

SUBJECT: Comments on DFARS Case 2001-DO17

The attached comments on the subject proposed rule that was published in the Federal Register on April 1, 2002, are offered for your consideration. My action officer for this issue is Melissa Rider. Please contact her at (703) 695-1098 or [melissa.rider@osd.mil](mailto:melissa.rider@osd.mil) should you have any questions regarding these comments.

A handwritten signature in black ink, appearing to read "Deidre", is positioned above the typed name.

Deidre A. Lee  
Director, Defense Procurement

Attachment:  
As stated



**Defense Procurement Comments**  
**DFARS Case 2001-DO17**  
**Proposed Rule**

1. Insert more guidance at 208.404-70(c)(2) to emphasize that “as many contractors as practicable” means as many as will result in offers from 3 qualified contractors. Suggested language-- “. . .to reasonably ensure that, in the Government’s judgment, that at least three offers will be received from qualified contractors;.”

Rationale: The guidance needs to clarify that the intent is to receive the 3 offers, not for the contracting officer to perform an exhaustive search that wastes industry and government resources.

2. Insert guidance at 208.404-70(c)(2)(ii) to describe what type of documentation is required. Suggestion – add a new sentence “Document the detailed rationale for the decision in the contract file commensurate with the dollar value and complexity of the requirement.”

Rationale: The file should contain a detailed description of what efforts were made by the government to obtain 3 offers. As written, a contracting officer could simply state “I think we did an adequate job.” This does not meet the intent of the statute.

3. Revise 208.404-70(d)(2)(i) to read “For a single BPA, defines the tasks and establishes a price for individual tasks or services identified in the statement of work; or...”.

Rationale: Conforms to other guidance on **FSS** orders.